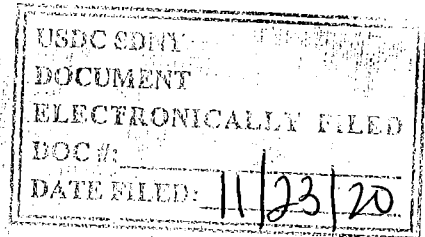


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ELOF HANSSON USA INC.,
Plaintiff,

v.

EDGAR SANTIAGO and BOLIVAR
ERNESTO INFANTE QUINONES,
Defendants.
-----X



ORDER

18 CV 2758 (VB)

On November 20, 2020, the Court issued its findings of fact and conclusions of law on the record pursuant to Fed. R. Civ. P. 52(a) with respect to the non-jury trial held from August 31 to September 3, 2020, in this action. Having found that plaintiff has proved, by a preponderance of the evidence, its claims for Violation of Duty of Fidelity and Undivided Loyalty (Count Two); Breach of Fiduciary Duty (Count Three); Faithless Servant (Count Four); Conversion (Counts Five, Six, and Seven); Replevin (Count Nine); and Unjust Enrichment (Count Ten) against defendant Edgar Santiago, and has not proved its claim for Breach of Employment Contract (Count One), it is hereby ORDERED, ADJUDGED, AND DECREED:

1. Plaintiff is entitled to \$1,039,684.99 in damages, plus pre-judgment interest.
2. Pre-judgment interest will be calculated at the New York statutory rate of 9% per annum, beginning on June 2, 2017, defendant Edgar Santiago's final date of employment with Elof Hansson USA Inc.
3. The Court having expressly determined, for the reasons set forth on the record, that there is no just reason for delay, the Clerk is instructed to enter final judgment in favor of plaintiff and against defendant Edgar Santiago pursuant to Fed. R. Civ. P. 54(b) on the following claims: Violation of Duty of Fidelity and Undivided Loyalty (Count Two); Breach of Fiduciary Duty (Count Three); Faithless Servant (Count Four); Conversion (Counts Five, Six, and Seven);

Replevin (Count Nine); and Unjust Enrichment (Count Ten). Said judgment shall award damages in the amount of \$1,039,684.99, plus pre-judgment interest calculated at the New York statutory rate of 9% per annum, beginning on June 2, 2017. The judgment shall also dismiss plaintiff's claim for Breach of Employment Contract (Count One).

4. By December 31, 2020, plaintiff shall move, by order to show cause and in accordance with the Court's Individual Practices, for default judgment against defendant Bolivar Ernesto Infante Quinones. If plaintiff fails to satisfy this deadline, the Court may dismiss the case as to defendant Quinones without prejudice for failure to prosecute or failure to comply with court orders. Fed. R. Civ. P. 41(b).

Dated: November 23, 2020
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent L. Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge